

PROCEDURE TITLE: NCT 100 Appeal of Academic Decisions

RELATED POLICY: NCT 100 Appeal of Academic Decisions

A. Definitions

Final Grade: A Final Grade for each course is calculated from the Marks of course evaluations.

Mark: Each evaluation is given a Mark based on its assessment. Each Mark contributes to the Final Grade.

B. Procedure Purpose

Students have the right to appeal decisions that significantly affect their academic career. The academic appeal process provides steps through which students may appeal College decisions including admissions, course grades and promotion.

C. Scope

This procedure applies to all Niagara College students registered and attending classes at the Niagara College - Toronto (NCT) campus.

D. Procedure Statements

1. The informal student appeal process will be addressed within the appropriate academic department. If resolution at the informal stage cannot be reached, the student may pursue a formal academic appeal.
2. College staff can provide support to students exercising their right to appeal, and students are responsible for checking their college email and following through on any scheduled appointments or requirements as part of the appeal procedure. Students not responding to or monitoring their college email may forfeit the right to continue the appeal process. In addition, students are advised that missing scheduled meetings may also result in the appeal being dismissed.

INFORMAL STAGE

3. In an effort to resolve appeals informally, students who question any course grade decisions are asked to first discuss the matter directly with the responsible faculty member who shall provide the student with reasons for the decision.

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FORMAL STAGE

4. If satisfactory resolution cannot be reached at the informal stage, the student must complete the Request for Academic Appeal form available online and submit the form to the Academic Advisor.
5. The Academic Advisor will record that the formal appeal process has been initiated and coordinate with the Academic Director, who will undertake a review of the facts presented. The student must identify the grounds for appeal and desired outcome of the appeal.
6. An appeal must be launched within ten (10) business days from the time the final official grade was entered for the course. Extenuating circumstances will be considered if a late submission is received.
7. The Academic Director will review the facts. Once the case has been reviewed to their satisfaction, the Academic Director will complete their section of the Academic Appeal form, indicating that either the original decision will stand or what changes are to be made to the student's record in consultation with the Academic area. The Academic Director will then communicate with the advising team within five (5) business days and update the grade as appropriate. The Academic Director will advise the student, in writing, of the decision.

COMMITTEE REVIEW

8. If the matter is not resolved through the Administrative Review, a student may request a Committee Review by completing Section 3 of the Academic Appeal Form. A request for a Committee Review must be received by the Academic department – Advising Team within five (5) business days of receipt of the Administrative Review decision.
9. An Academic Advisor will be available to advise and support the student to complete the appeal form and prepare for a potential committee review. The Academic Advisor will be available to confirm the status of the appeal and details about the next steps in the process.
10. The Academic Director or designate will review the request for Committee Review and the requested resolution. Upon determining that the matter being appealed will have a significant impact on the student's academic career, the Academic Director or designate will call together an Academic Appeal Committee to review the matter. Please note for all references to Academic Director going forward in this document, it should be interpreted

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as 'Academic Director or designate'.

11. If the Academic Director determines that the matter does not have significant impact or does not fit the criteria for an Academic Appeal, then the appeal will be dismissed. The student will be notified of this decision in writing including rationale for where the situation did not meet the criteria to move forward with Committee Review by the Academic Director
12. If at any point during the appeal process the student alleges that the basis for the appeal is harassment or discrimination, given the definition of prohibitive behaviours, the student will be advised that the matter should be pursued under the College's Harassment and Discrimination policy instead. In other cases, the student can choose to proceed with the appeal regarding those issues that are directly related to the academic decision.
13. An Academic Appeal Committee will be struck by the Dean to hear the appeal. The Committee will be comprised of the Dean in the role of Committee Chair, and three (3) voting members: one (1) administrator, one (1) faculty member, and one (1) student. The Dean may appoint a Niagara College - Toronto employee, Student Association official or a Niagara College - Toronto student in a non-speaking/non-voting observer role on the Committee for the purposes of professional development.
14. Any administrator or faculty can be requested to sit on the Committee; however, they must be drawn from academic programs that are not related to the appeal in question. The student may be appointed by the Student Association, peer mentors, peer ambassadors or to be recommended by other departments working closely with students. If an individual requested to sit on the Committee has any prior involvement with the student or the circumstances of the appeal, that individual must declare a conflict and withdraw. Once appointed, it is expected that all Committee members will remain until a decision on the appeal is rendered.
15. The Dean will make all reasonable efforts to ensure that the Academic Appeal Committee is called within ten (10) business days of receiving the Request for Committee Review. A decision by the Dean to delay the hearing due to the lack of availability of one or more constituency representatives shall not be used as grounds to challenge the appeal process.

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16. The Dean will request from the Academic Director any written materials that support the decisions made to date, as well as all evidence from the student in support of the appeal. Any potential witness to be called by the student or Academic Department must be identified at this time. Any witness must be deemed qualified by the Dean. This material will be forwarded to the Committee no later than three (3) days prior to the hearing.
17. The student has the right to remain in class “On Condition” pending the outcome of the appeal. The only exception is in cases where the College is obligated to restrict the student for health and safety reasons. In either case, the Academic Director will inform the student of the conditions of their participation in class.
18. The student is responsible for presenting their position. However, the student may have one person accompany them to the hearing but must submit the name and title of the person to the Chair of the Committee or designate at least five (5) days prior to the hearing. The role of the accompanying person is to provide support and/or advice to the student during the hearing. The accompanying person is not to advocate on behalf of the student or present arguments at the hearing.
19. Once the hearing is in session, it is expected that all parties remain until all information has been heard. The decision of the Appeal Committee is final and binding on all parties. The decision is NOT subject to further appeal.
20. Typically, a formal appeal hearing will follow these steps:
 - a) The Chair will introduce the members of the Academic Appeal Committee and review the format of the meeting along with any ground rules that are appropriate.
 - b) The Academic Appeal Committee will ensure that sufficient time is provided to cover all points that are relevant to the appeal.
 - c) The onus is on the student to demonstrate that the decision made was unfair. The student will have an opportunity to state their concerns, speak to any relevant documentation, and clarify the resolution they are seeking.
 - d) The Academic Director will have the opportunity to review the reasons for their decision and review any relevant documentation previously submitted.
 - e) Witnesses may be called to give a verbal statement(s), subject to determination by the Committee that the additional information will be relevant.

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- f) The Academic Director, student, and committee members in the appeal will have the opportunity to question any person(s) providing statements, through the Chair.
- g) Both parties will be provided with an opportunity to summarize their positions, based on the materials and any statements provided in the hearing, with the student having the final opportunity to speak.
- h) After ensuring that all relevant information has been presented, the hearing will adjourn and the Committee will caucus privately to reach a decision.

21. **Appeal Decision:** The Committee does not have the competency to carry out an actual evaluation of the student's work. If the Committee determines that the decision under appeal should result in re-evaluation for a potential grade change, new work or reassessment of existing work as identified below may be directed.

22. Upon considering all of the information, the Committee has the authority to determine the appeal in one of the following ways:

- a) Direct that the decision remains unchanged.
- b) Direct that a re-evaluation of the student's work be completed by another faculty member qualified in the particular area of study.
- c) Direct that a grade(s) be changed to an "INC" (incomplete) and that the student be allowed to complete specific items of work, in some cases over again, for a new evaluation by another faculty member qualified in the particular field of study. The student will be referred to the academic administrator for a plan of completion. Alternatively, the panel may recommend a 'W' grade for the course in question with an opportunity to repeat the course at no charge the next time it is available.

23. The Committee may recommend that the outcome determined be applied to students in the same situation.

24. The decision of the Appeal Committee will be forwarded, in writing, to the student, and Retention and Records within five (5) business days of the hearing by the Dean. This notice will include reasons for the decision and consequences in terms of standing in the program.

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E. Forms

Request for Appeal of Academic Decision

F. Document History

Date	Approval/Review/Key Change(s)
March 2, 2023	New